

7 CFR Part 3021—USDA implementation of Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).

7 CFR Part 3052—USDA implementation of OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.

7 CFR Part 3407—NIFA procedures to implement the National Environmental Policy Act of 1969, as amended.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR Part 15b (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 *et seq.*—Bayh-Dole Act, promoting the utilization of inventions arising from federally supported research or development; encouraging maximum participation of small business firms in federally supported research and development efforts; and promoting collaboration between commercial concerns and nonprofit organizations, including universities, while ensuring that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions (implementing regulations are contained in 37 CFR part 401).

## Subpart B—Pre-award: Solicitation and Application

### § 3430.11 Competition.

(a) *Standards for competition.* Except as provided in paragraph (b) of this section, NIFA will enter into grants and cooperative agreements, unless restricted by statute, only after competition.

(b) *Exception.* The NIFA ADO and the designated Agency approving official may make a determination in writing that competition is not deemed appropriate for a particular transaction. Such determination shall be limited to transactions where it can be adequately justified that a noncompetitive award is in the best interest of the Federal Government and necessary to the goals of the program.

### § 3430.12 Requests for applications.

(a) *General.* For each competitive and noncompetitive non-formula program, NIFA will prepare a program solicitation (also called a request for applications (RFA)), in accordance with the Office of Management and Budget (OMB) policy directive, 68 FR 37370–37379 (June 23, 2003), establishing a standard format for Federal agency announcements (*i.e.*, program solicitations or RFAs) of funding opportunities under programs that award discretionary grants or cooperative agreements. This policy directive requires the content of the RFA to be organized in a sequential manner beginning with overview information followed by the full text of the announcement and will apply unless superseded by statute or another OMB policy directive. The RFA may include all or a portion of the following items:

- (1) Contact information.
- (2) Directions for interested stakeholders or beneficiaries to submit written comments in a published program solicitation or RFA.
- (3) Catalog of Federal Domestic Assistance (CFDA) number.
- (4) Legislative authority and background information.
- (5) Purpose, priorities, and fund availability.
- (6) Program-specific eligibility requirements.
- (7) Program-specific restrictions on the use of funds, if Applicable.
- (8) Matching requirements, if applicable.
- (9) Acceptable types of applications.
- (10) Types of projects to be given priority consideration, including maximum anticipated awards and maximum project lengths, if applicable.
- (11) Program areas, if applicable.
- (12) Funding restrictions, if applicable.
- (13) Directions for obtaining additional requests for applications and application forms.
- (14) Information about how to obtain application forms and the instructions for completing such forms.
- (15) Instructions and requirements for submitting applications, including submission deadline(s).
- (16) Explanation of the application evaluation Process.